

THIRTEENTH ANNUAL REPORT

OF THE

MASSACHUSETTS BOARD OF REGISTRATION  
IN PHARMACY

FOR THE YEAR 1898.

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# Commonwealth of Massachusetts.

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## REPORT.

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BOSTON, MASS., Oct. 1, 1898.

To His Excellency ROGER WOLCOTT.

In this, our thirteenth annual report for the year Oct. 1, 1897, to Oct. 1, 1898 (and in which we are required, by section 4, chapter 397, Acts of 1896, to "give the condition of pharmacy in the State"), we desire to emphasize the fact of marked progress in a strictly pharmaceutical sense, and the beginning, not alone in this State but in several others, of an advance in the requirements of the pharmacist on the lines of analysis, microscopy and application of remedies to disease, resulting in the drug store of the future becoming one of the most helpful, economic, time-saving and reliable aids to modern progress. Not immediately can the average man of modest means command an analysis of water, paper, food or drugs, or a microscopic examination which will enable him to avoid many lurking and hidden dangers. It is undoubtedly the coming pharmacist who will occupy this position, having not only pharmaceutical skill, but such therapeutical knowledge as will make him the most useful aid and assistant the physician can have. The life and success of fraud, quackery and the attendant evils must in time yield to the rapidly growing and acquired skill of the modern physician and pharmacist. The people, with increasing opportunities for culture and general education, will not always continue to be the dupe and prey of the charlatan.

In the performance of the several duties imposed upon us, great care is taken to avoid an injustice to the applicant for registration in pharmacy, or by refusing a liquor certificate; but equal care is taken to avoid an injustice to the people, by refusing either certificate when satisfied the public good will not be promoted.

Many hours have been given to the consideration of practical work in our examinations, which would require much more cost in time and material used. It is claimed by some that applicants who fail in oral, written or identification of drugs could, in practical work, establish a claim to registration, and that work in preparing or compounding is a better test than an oral or written examination. We as a Board cannot agree that it is better, but we are clearly of the opinion that practical work added to the present method would be an advance in the right direction, and could be accomplished by an annual appropriation to this department of one thousand dollars, by renewal of certificates once in two years, or by an increase of examination fees.

Meetings or sessions of the Board have been held as follows:—

Examinations, . . . . .	39
Enforcement of pharmacy law, . . . . .	16
Granting of liquor certificates, . . . . .	35

The office, Room 22, State House Annex, is open daily for the convenience of pharmacists and the public. All letters, requests for blanks, copies of the law, etc., receive immediate attention, and, as a rule, reply is mailed the same day.

Upon enforcement of the pharmacy law we have had 24 hearings; upon granting of liquor certificates, 117 hearings; making a total of 141 hearings; and in nearly every case we have a full typewritten record of proceedings.

## EXAMINATION DEPARTMENT.

The original purpose or duty of the Board was to prevent incompetent persons assuming the hazardous duties of dispensing drugs and medicines, and this year examinations have been held as follows :—

					Days.	Examined.	Registered.	Rejected.
<b>1897.</b>								
Oct.	5-7,	.	.	.	3	35	4	31
Nov.	9-11,	.	.	.	3	43	12	31
Dec.	7-9,	.	.	.	3	38	6	32
<b>1898.</b>								
Jan.	4-6,	.	.	.	3	38	9	29
Feb.	8-10,	.	.	.	3	44	9	35
March	1-2,	.	.	.	2	30	4	26
March	15-16,	.	.	.	2	35	6	29
March	29-30,	.	.	.	2	25	4	21
April	5-6,	.	.	.	2	30	7	23
April	20-21,	.	.	.	2	32	4	28
May	3-4,	.	.	.	2	18	2	16
May	24-25,	.	.	.	3	41	5	36
June	7-9,	.	.	.	3	39	7	32
June	28-30,	.	.	.	3	44	10	34
Sept.	13-15,	.	.	.	3	26	5	21
Totals, . . . . .					39	518	94	424

The percentage of certificates granted is plus 18. This showing indicates a very small proportion, but the 518 examinations were given to only 302 persons, and, of the 302 persons examined, 94 received certificates of registration, making the percentage of certificates granted to the number of *persons* examined, plus 31.

The records of all examinations as made in writing by each applicant, over his own signature, are on file, and must be our reply to any who claim our requirements are extreme.

The work for this year only, Oct. 1, 1897, to Oct. 1, 1898, may be summarized as follows :—

Candidates, 170	Examinations to each, 1	Total, 170
" 73	" " 2	" 146
" 41	" " 3	" 123
" 12	" " 4	" 48
" 5	" " 5	" 25
" 1	" " 6	" 6
<hr/> Total, 302		<hr/> Total, 518

As stated above, 94 have become registered pharmacists.

12 passed on the 1st examination.				5 passed on the 7th examination.			
19	"	"	2d	"	2	"	8th
19	"	"	3d	"	1	"	9th
17	"	"	4th	"	1	"	10th
7	"	"	5th	"	3	"	11th
7	"	"	6th	"	1	"	13th

Out of this 94, 82 have had an average of 4.3 examinations each, many of them taking the first examination prior to this year.

As in the past, we submit some of the answers received, clearly exhibiting the need of great care in granting certificates of registration in pharmacy in this Commonwealth:—

"Piera is poke root."

"Spirits of Mindererus is made from citric acid and ammonia water."

"Boracic acid is pyroligneous acid."

"Calcium is purified lime."

"Petroleum and petrolatum are the same."

One applicant, twenty-six years old, claiming five and one-half years' experience, says: "Etherial oil is used as a flavor, and bi-sulphate quinine is twice as much value as the sulphate."

"Proto Chlo., Bi Chlo., Per Chlo. and Sub. Chlo. are the same."

"Genus of a plant is the part used."

"Biennial is twice a year. Perennial is three times a year."

"Manna is a fruit."

"Fox glove is Hyoscyamus."

"Sine means highest. Hypo and proto mean the same, higher quantity."

"Levis, as magnes levis, means ligature."

"A sudorific renders the action of other medicines more pleasant."

"Piera is an exudation from the tree Hiera Piera."

"Nepeta Cataria is Iceland Moss."

A physician of four years' experience as a druggist in an adjoining State says: "Poke root is hellebore; squills is the bark of a root; don't know Cannabis Sativa, German Powder or how much arsenic in five minims of Fowlers' Solution, or why cold water is used in making syrup of wild cherry." Also



says: "Basham's Mixture is Sol. Acet. of Ammonia; red oxide of mercury is much more powerful than the yellow; galls is a disease of the tree and Gallic acid is the only acid obtained," and many other equally strange answers.

"Tinct. Camph. Comp. is Spirits Camphor."

"Prince's Pine is hemlock."

"Sesqui means water; Hydro Carbon comes from the atmosphere," and out of four recipes got one right.

"Simple cerate is made of white wax, glycerine and water."

"Inula is Star Anise."

"Disintegrating is disinfecting."

"Cutch is a small disc to be used in the eye."

"Sugar of milk comes from corn."

"Bismuth is made from arsenic."

"Blue mass is mild chloride of mercury ointment."

One applicant, out of fifty questions, answered only one correctly. His written examination was rated 9, and drugs 35, "Dose of opium is 3 to 10 grains; boric acid is more soluble than soda chloride."

Another says: "There is 84-100 gr. of opium in one teaspoonful of laudanum." (There are six grains.)

Another says: "Boric acid is a saturated solution of borax; proto, deuto and bin Iodide are all the same; Proto Chlo., Sub. Mur., Bi Chlo., and Per Chlo. Hydrarg. all mean calomel."

An applicant claiming nine years' experience, and upon his fourth examination, says: "Krameria is Iceland Moss; chlorine is made from chloroform and alcohol; difference between carbonate and calcined magnesia is simply reducing carbonate to powder by rubbing; galenical preparations are fatty ones." His rating on this fourth examination was: oral, 25; written, 23½; drugs, 20.

An applicant, age twenty-seven, claiming five years' experience, says: "I make lime water from chloride of lime, which comes from the metal calcium."

Another, on his ninth examination, says: "Disintegration is feld spar; translucent means to turn over."

An applicant on the second examination writes: "An anthelmintic is a drug to quiet a crazy person; would give atropia."

Another says: "Camphor is mined from the earth."

An applicant on his sixth examination, age twenty-seven years, with four years' experience in a good store (undoubtedly a satisfactory assistant, as far as selling goods and attention to the strictly commercial part), proved fearfully deficient as a competent pharmacist. His rating was: oral, 10; written, 15; drugs, 0.

Another candidate says: "The difference between spirits and tinctures is that spirits are nine times stronger than tinctures."

A physician, fifty-three years old, and claiming ten years' experience as a pharmacist (from 1873 to 1883), and now thinking of opening a drug store, says: "The medicinal part of jalap is the rhizome; of colocynth is the seed, from which an extract is made; the official syrup containing Carb. Potass. is syrup Iodide of Iron." He would make boracic acid by treating borax to drive off carbonic gas; no difference between sublimed and purified sulphur; washed sulphur was made by washing sulphur with sulphuric acid; teaspoonful of laudanum contains  $1\frac{1}{2}$  grains of opium; and when asked if he would give a teaspoonful, said he would not, it contained 22 grains of opium. When asked how he would make a pill of permanganate of potass, he said, "Use starch and some extract."

With such answers as given above, we submit it is not the *fault* of the Board that so many fail to receive a certificate of registration, and we suggest that section 5 of the law, which says, "Any person may be examined at any regular meeting of the Board upon the payment of a fee of three dollars," be amended, limiting the number of times a person may appear within a specified period.

#### *Financial Statement.*

Oct. 1, 1897, cash in State treasury, . . . . .	\$513 87
Received during the year:—	
Fees from applicants, 128 at \$5.00, . . . . .	\$640 00
Fees from applicants, 370 at \$3.00, . . . . .	1,110 00
	<hr/>
	\$1,750 00
For 12 duplicate certificates, . . . . .	12 00
	<hr/>
	1,762 00
	<hr/>
Total, . . . . .	\$2,275 87



*Expended.*

	Services.	Expenses.*
H. M. Whitney, . . . . .	\$185 00	\$57 57
F. H. Butler, . . . . .	195 00	107 65
J. A. Rice, . . . . .	202 50	225 30
A. K. Tilden, . . . . .	97 50	11 50
John Larrabee, secretary, . . . . .	680 00	69 04
	<u>\$1,360 00</u>	<u>\$471 06</u>
		\$1,831 06

Wright & Potter Printing Company, . . . . .	\$109 32	
Dennison Manufacturing Company, . . . . .	6 48	
Thorp & Martin Manufacturing Company, . . . . .	1 85	
Geo. C. Goodwin Company (drugs), . . . . .	10 75	
Gilman Brothers, . . . . .	3 64	
E. L. Patch Company, . . . . .	9 00	
Larrabee & Stearns, . . . . .	3 20	
Dunton & Potter (printing examination questions), . . . . .	9 00	
Thompson & Hill (printing examination questions), . . . . .	4 25	
Vox Populi Press (printing examination questions), . . . . .	4 25	
H. W. Stone (engrossing certificates), . . . . .	5 40	
Paine Furniture Company (filing case), . . . . .	22 00	
	<u>189 14</u>	
		\$2,020 20
Cash to balance:—		
In State treasury, . . . . .	\$193 67	
On hand, . . . . .	62 00	
	<u>255 67</u>	
		\$2,275 87

*Liabilities.*

Applicants not examined, fees paid:—		
Prior to Nov. 1, 1896:—		
20 at \$5.00, . . . . .	\$100 00	
25 at \$3.00, . . . . .	75 00	
	<u>\$175 00</u>	
Year ending Oct. 1, 1897:—		
6 at \$5.00, . . . . .	\$30 00	
7 at \$3.00, . . . . .	21 00	
	<u>51 00</u>	
Year ending Oct. 1, 1898:—		
15 at \$5.00, . . . . .	\$75 00	
27 at \$3.00, . . . . .	81 00	
	<u>156 00</u>	
Total, . . . . .		\$382 00

\* Including mileage.

## ENFORCEMENT OF THE PHARMACY LAW.

During the past year many attempts have been made to induce the Board to recede from its action of suspending or revoking the certificate of registration in pharmacy, as required by law. It is an unpleasant duty to suspend or revoke a certificate of registration, and the duty is made hard and trying by influences brought to bear to force a change of action. Threats of prosecution, of repealing the pharmacy law and of testing its constitutionality have been made. In several cases where questions of law were raised by counsel we have felt justified in seeking advice from the office of the Attorney-General, which has been promptly given.

As this part of our work has proven to be a necessity, great care and exhaustive investigation is made prior to final action. Some of the cases have been such as to excite our sympathy, but the Board have felt that public good should be the first consideration.

Sixteen sessions have been held, as follows:—

Oct. 20, 1897: At this session three cases were ordered for hearing. One was a case of long-continued violation of law, and the certificate was revoked. The other two cases were continued for convenience of counsel, who could not be present. At this meeting there was also a petition for change of verdict in six months' suspension, but no change could be made.

Oct. 27, 1897: Three cases were considered. One was continued for sentence; one was placed on file; one was found guilty, but owing to the contention of attorney, action was delayed until a written opinion could be obtained from the Attorney-General.

Nov. 9, 1897: The verbal appeal, made Oct. 8, by a prominent physician, supported by a representative from a wholesale drug house, and later put in the form of a letter, seeking reinstatement of certificate revoked in 1894, was presented with the facts. After due consideration, the president was instructed to write that the Board declined to take any further action.

Nov. 17, 1897: Five cases were considered. One certificate was suspended for six months, one for twelve months, and

one was revoked (the case heard October 27). This was a flagrant case, the charge being a violation of the liquor law. The evidence showed persistent sales of liquors from the soda fountain and on Sunday. One case was placed on file, as the respondent had left the State. One pleading release of suspension, it was voted no change could be made.

Nov. 30, 1897: Two cases were considered. One was revoked. In the other, the certificate was suspended for three months only, the facts being that no licenses were granted in the town but by general consent all the apothecaries sold more or less liquor. This man was complained of by local authorities, convicted, and paid a fine of one hundred dollars and lost his stock of liquors.

Dec. 15, 1897: An earnest plea was made by eminent counsel that the action taken November 30 be reconsidered. No effort was made to disprove facts, and, after due consideration, the Board decided that their action, having been taken under the law, could not be changed. In another case, the respondent appeared with counsel. Many witnesses were present. The charge was illegal sales of liquor. Counsel entered a plea of guilty, and requested the Board to delay final action, which request was granted. In the next case, the respondent asked for continuance, as his counsel could not be present. The request was granted.

Jan. 12, 1898: The first case heard was the one continued from December 15. Counsel appeared for his client, making an earnest appeal that the man should be saved, if possible; and, this being his first offence, it was voted to suspend his certificate for twelve months. In the second case, the respondent under oath made a clear and manly statement of all the facts, which coincided with the report made by our agent. It was voted to place on file. In the third case, the respondent refused to appear in answer to the summons. This was a flagrant case, as was shown by the evidence of several witnesses and court records produced. It was voted to revoke this certificate altogether.

Jan. 14, 1898: A special meeting was held for the consideration of various matters, and the Board appeared before the committee on public health.

March 23, 1898: This was apparently a flagrant case, but

the claim was made by the respondent that, having entered a plea of *nolo contendere*, and paid a fine, the Board were barred from action, claiming that there was no record of conviction, as required by statute. Continued for the opinion of the Attorney-General.

March 31, 1898: In the above case, the plea of no jurisdiction was thoroughly discussed, typewritten evidence of the hearing was carefully considered, and the unanimous opinion of the Board was, "Guilty of the acts charged," but sentence was again delayed for the opinion of the Attorney-General. In the next case considered, the charges were so clearly established that the certificate was revoked.

April 13, 1898: The case heard on March 23, and reviewed on March 31, was disposed of by suspension for twelve months.

June 22, 1898: The party summoned to appear at 10 A.M. did not appear. At 11.15 the testimony of officers was taken and the case continued.

June 29, 1898: Counsel appeared in above case, making argument and plea for leniency. Certificate was revoked.

July 6, 1898: This was a complaint against a party known favorably to members of the Board many years ago. He appeared in his own behalf, raised questions of jurisdiction, and was sharp and critical in his cross-examination of witnesses. After careful consideration of facts clearly established, his certificate was revoked.

Aug. 23, 1898: This was the case of a drug store opened in 1895 by an unregistered person at one of the seaside resorts of the State. This store has given the Board much trouble. The original proprietor died. His successor (also unregistered) employed a registered man, and the conduct of the store became so notorious that the registered man was summoned before the Board, charges were preferred, and, after patient hearing and earnest appeal of counsel, the defendant was found guilty of the acts charged, and his certificate was revoked.

Sept. 23, 1898: At the above store was found the certificate of another registered pharmacist who was summoned before the Board. It appeared that the owner of the certificate had permitted his certificate to keep the store alive for about ten days, but had not himself been in attendance, nor had he been



in the drug business for the three previous years, being engaged in the practice of dentistry. The certificate was suspended for six months.

*Summary.*

Certificates revoked altogether, . . . . .	8
Certificates suspended for 12 months, . . . . .	3
Certificates suspended for 6 months, . . . . .	2
Certificates suspended for 3 months, . . . . .	1
Cases placed on file, . . . . .	4
Formal complaints made by our agent, . . . . .	26
Informal complaints, noted, recorded and investigated, . . . . .	56

Eleven of the seventeen cases brought by local police and reported last year as awaiting final action of the courts have been settled. Some failed of conviction on purely technical grounds, but we hope the moral effect has been good. In our agent's report will be found many facts and points of interest bearing upon this part of our work. We have at this date eleven unsettled cases of formal complaint.

*Financial Statement from Oct. 1, 1897, to Oct. 1, 1898.*

	Services.	Expenses.	Total.
H. M. Whitney, . . . . .	\$332 50	\$83 77	\$416 27
John Larrabee, . . . . .	37 50	10 10	47 60
F. H. Butler, . . . . .	50 00	35 60	85 60
John A. Rice, . . . . .	2 50	2 96	5 46
A. K. Tilden, . . . . .	40 00	3 50	43 50
S. B. Harris, . . . . .	760 00	377 50	1,137 50
Clerical and stenographic, . . . . .	250 00	—	250 00
Miscellaneous, . . . . .	—	7 50	7 50
Total, . . . . .	\$1,472 50	\$520 93	\$1,993 43

GRANTING OF LIQUOR CERTIFICATES TO DRUGGISTS.

This branch of our work continues to be of growing interest to the people, and of such importance as to demand much time in correspondence, personal investigation, and the greatest possible care in deciding many cases. The law requires us to say that the applicant is a "proper person, and the public good will be promoted." In several prohibition towns and cities no sixth-class licenses are granted, in others the sixth-class license only is granted. Where none are granted, there appears to be an accepted condition that, if care is exercised, no prosecu-



tion will follow. This condition is a direct violation of the statute, and in several instances has been of great hardship to the pharmacist, where prosecution has followed.

Thirty-five special sessions have been held during the year. From Oct. 1, 1897, to Oct. 1, 1898, we have received 1,315 applications for liquor certificates. Of this number 1,114 have been granted, 184 refused and 12 withdrawn. At twenty of the thirty-five sessions, 117 applicants have appeared, with or without counsel, and every opportunity has been granted the applicant to explain, or if possible to correct, our record and urge change of action. Sixty-four have been successful. Fifty-two, who, from carelessness or otherwise, had neglected to keep the record of sales as required by statute, have been so notified, and in most of such cases have appeared before the Board and certificates have been granted, as it was the only offence, with the assurance that continued neglect to record sales would be a bar to further consideration.

It would be idle to attempt a transcript of our records, as it is well understood that any and all efforts to control the sale of intoxicating liquors, even for medicinal purposes, is attended with many annoyances. We fully realize the difficulty in legislation to meet all questions that may arise, and feel it would be useless to recapitulate the many suggestions and plans urged upon us for new legislation, until the people are more ready to enforce such laws as we now have.

We have no desire to parade the work of this Board, or proclaim the value of our efforts in the interests of the people. We do feel justified in saying the Legislature of this Commonwealth is entitled to credit for making it possible to prevent incompetent persons maintaining liquor saloons under the guise of a drug store, and that, in our opinion, the laws now under the supervision of this Board have prevented the opening of hundreds of so-called drug stores, which would have been a serious hardship to reputable pharmacy, and a fearful evil in the State.

As in the department for enforcing the pharmacy law, we refer to our agent's report.

In addition to the typewritten record of hearings, we have also brief records of many cases adjusted or disposed of without calling the full Board together, accomplished by correspondence.

*Applications.*

Applications received from Oct. 1, 1897, to March 1, 1898, to expire

May 1, 1898, . . . . .	66
Certificates granted, . . . . .	37
Certificates refused, . . . . .	23
Applications withdrawn, . . . . .	6

Applications received from March 1, 1898, to Oct. 1, 1898, to expire

May 1, 1899, . . . . .	1,249
Certificates granted, . . . . .	1,077
Certificates refused, . . . . .	161
Applications withdrawn, . . . . .	6
Transferred to new account, . . . . .	5

Total number of applications for the year, . . . . .	1,315
Total number of certificates granted, . . . . .	1,114
Total number of certificates refused, . . . . .	184
Total number of applications withdrawn, . . . . .	12
Transferred to new account, . . . . .	5

Received for liquor certificates, . . . . .	\$1,315
Returned to rejected applicants and withdrawn, . . . . .	\$196
Paid to State treasurer, . . . . .	1,114
Transferred to new account, . . . . .	5

*Financial Statement from Oct. 1, 1897, to Oct. 1, 1898.*

	Services.	Expenses.	Total.
H. M. Whitney, . . . . .	\$987 50	\$229 42	\$1,216 92
John Larrabee, . . . . .	112 50	29 35	141 85
F. H. Butler, . . . . .	122 50	81 10	203 60
John A. Rice, . . . . .	50 00	59 95	109 95
A. K. Tilden, . . . . .	102 50	8 00	110 50
S. B. Harris, . . . . .	790 00	440 60	1,230 60
Clerical and stenographic, . . . . .	480 00	—	480 00
Printing, stationery, postage, etc., . . . . .	—	90 61	90 61
Miscellaneous, . . . . .	—	18 78	18 78
Total, . . . . .	\$2,645 00	\$957 81	\$3,602 81

**POISON LAW.**

The evil of selling many poisons outside of the drug store still continues, and without record of sale, as required by Acts of 1897; but, as we have supervision of the drug store only, we would report that we have found but two violations of the poison law in drug stores during the year.

*Financial Statement from Oct. 1, 1897, to Oct. 1, 1898.*

	Services.	Expenses.	Total.
H. M. Whitney, . . . . .	\$25 00	\$7 00	\$32 00
F. H. Butler, . . . . .	25 00	—	25 00
John Larrabee, . . . . .	25 00	—	25 00
John A. Rice, . . . . .	25 00	—	25 00
A. K. Tilden, . . . . .	25 00	—	25 00
Wright & Potter, . . . . .	—	3 50	3 50
Total, . . . . .	\$125 00	\$10 50	\$135 50

Respectfully submitted,

H. M. WHITNEY, *President.*  
 JOHN LARRABEE, *Secretary.*  
 F. H. BUTLER.  
 AMOS K. TILDEN.  
 JOHN A. RICE.

## AGENT'S REPORT.

BOSTON, MASS., Oct. 1, 1898.

*To the Board of Registration in Pharmacy.*

GENTLEMEN:—During the past year thirty-one registered pharmacists have passed away. The cities and towns in which they resided and the number deceased are as follows:—

Amherst, . . . . 1	Lynn, . . . . 1
Avon, . . . . 1	Munson, . . . . 1
Boston, . . . . 6	Northborough, . . . 1
Brookfield (North), . 2	Revere, . . . . 1
Brookline, . . . . 1	Salem, . . . . 1
Cambridge, . . . . 1	Spencer, . . . . 3
East Douglas, . . . 2	Stoughton, . . . . 1
Fall River, . . . . 1	Springfield, . . . . 1
Haverhill, . . . . 1	Suffield, . . . . 1
Lowell, . . . . 2	Worcester, . . . . 2

My duties in your service have taken me to every portion of the State, and to some localities many times.

During the five years I have been employed as your agent my acquaintance with the druggists of the Commonwealth has constantly increased, and I am thus enabled each year to judge more fully of the manner in which the drug stores of the State are conducted. It is a satisfaction to report that this year the law has been more strictly observed than during the preceding year. As proof of this statement, there have not been as many criminal complaints made to the courts, nor have as many formal complaints been made to the Board. Fewer stores were found without registered clerks, and, as the natural observance of the law, a less number of persons have abandoned the pharmacy business during 1898 than during 1897.



We still have in a very few cities and towns, I am sorry to state, local authorities who believe, judging from their conversation and actions, that it is not their business to assist in the enforcement of the pharmacy law, notwithstanding section 21, chapter 397, Acts of 1896, reads as follows: "It shall be the duty of the board of registration in pharmacy to investigate all complaints of disregard, non-compliance with, or violation of, the provisions of this act, and to bring all such cases to the notice of the proper prosecuting officers." It is evident that their unwillingness to interest themselves in these matters retards the enforcement of helpful and just statute law. It is very fortunate that this state of affairs exists in only six localities in Massachusetts. On the other hand, the officials in the remaining portions of our State have taken an interest in the enforcement of the law, and have rendered valuable assistance, entitling them to grateful acknowledgment.

As an illustration, during the month of February, 1898, an inspection was made of every drug store in the city of Boston. A liquor inspector for each division was detailed from headquarters to accompany your agent. These inspectors and myself made minutes of any violations which were observed, giving full credit to pharmacies which were conducted according to the law. The results of our inspection showed that quite a number did not properly keep a record of sales of liquor under their sixth-class licenses, and that twenty-one, during the year of 1897, had abandoned the business. Since our visit, complaints against druggists in Boston have been very few, showing to the public that they are willing to become law-abiding, and that the law is not regarded as a dead letter.

I believe, with but few exceptions, that the pharmacist who has engaged in the business of pharmacy, as a pharmacy business, has a desire to properly conduct the same. The difficulty is caused by those who are not in the business pharmaceutically, but to make what profit they can out of pharmaceutical pretence, until the law calls them to a realization of what frauds they have been, their reward being their experience; the last state of such persons is generally worse than the first. In some cases their silent partner and financial backer is a wholesale liquor dealer. The Board is fully conversant with their persistence and the means employed by them to obtain



a recommendation pursuant to the granting of a sixth-class license; but, in order to inform others who may read this report, one such case will be cited.

In 1897 a wholesale liquor dealer of Boston was the proprietor of a drug store, to all appearances a pharmacy, in an adjoining town. A registered pharmacist, whom the Board knew to be financially embarrassed, applied for a recommendation in order to obtain the desired license for this store. As the law provides that no license of the sixth class shall be issued to any person who is not a registered pharmacist and engaged in business on his own account, the request was very properly denied by the Board. This applicant very soon disappeared from the store. Within a short time another applicant applied for a certificate, claiming that he had purchased the whole business, and ought of right to be recognized. This application was investigated and disposed of in the same manner as that of his predecessor. He also disappeared. On the sixteenth day of June, on account of a complaint made to the Board, your agent visited this store, and found a young man in charge.

He was asked, "Who is the proprietor of this store?" A. "Mr. A——." Q. "What is his business?" A. "Wholesale liquor dealer in Boston." Q. "Is there any registered person in charge?" A. "Yes." Q. "What is his name?" A. "Mr. B——." Q. "Where is he at present?" A. "Attending to his medical studies in Boston."

After waiting three hours, the clerk in question appeared, and the following interview took place: Q. "Are you in charge of this store?" A. "Yes, but I have got pretty nearly through." Q. "Are you a registered pharmacist?" A. "Yes." Q. "Where is your certificate of registration in pharmacy?" A. "At my room. I took it away last night." Q. "When were you registered?" A. "About twelve years ago."

Knowing the above statement to be absolutely false, a call upon the chief of police of the town seemed proper. Subsequently, in company with him, I again visited the store. I then remarked to the pretended registered man, "What surprised me the most, when I met you this afternoon, was your statement that you are a registered pharmacist. Now you

know that statement is without any foundation whatever. You and this young man, in the interest of a liquor dealer, have been doing business without any appointment or authority. It is my duty, as agent of the Board of Pharmacy, to report your proceedings to the chief of police." Both young men began to plead with the officer, promising to make any restitution in their power, and the chief ordered them to close the place at once, saying, "In case this store is opened again for business, without a registered pharmacist in charge, prosecutions will follow." They closed the store immediately. Subsequently another application came, under conditions similar to those of the other two. Upon looking up the record of this applicant, it was found that he had been detained in Cambridge jail "by force and against his will" for a period during the past year, and therefore he was very properly refused.

This is but one of many illustrations which might be given of similar cases. It is such men as these who cause more anxiety and trouble than all else connected with the pharmacy business. These are the persons who require official attention when opportunity is presented; a law-abiding pharmacist has no cause for fear from the State Board of Registration in Pharmacy, nor from any one connected therewith.

As from month to month you have received a detailed statement of service rendered by me, I will conclude this annual report with a recapitulation of results obtained, trusting that the public good has been promoted thereby.

#### *Recapitulation.*

Number of visits to cities and towns, . . . . .	335
Number of inspections made of drug stores, . . . . .	1,595
Number of criminal complaints made to local authorities, . . . . .	55
Number of druggists prosecuted, . . . . .	51
Number of druggists convicted, . . . . .	46
Amount of fines imposed, . . . . .	\$3,900
Number of druggists committed to prison, . . . . .	3
Number of months served, . . . . .	18
Number of complaints made to the Board and investigated, . . . . .	79
Number of formal complaints made to the Board, . . . . .	26
Number of drug stores closed, . . . . .	41
Number of drug stores found doing business without any registered person in charge, . . . . .	19
Number of sixth-class licenses revoked, . . . . .	14

During my tour of inspection the past year I found in one store open for business that the only indication of a registered person being in charge was the certificate of registration of a deceased man, conspicuously displayed. Another store was found in charge of a man whose certificate of registration in pharmacy was revoked three years ago. His address at present is Worcester County jail.

In closing, I wish to extend my appreciation of the service rendered by those who, in their official capacity, have assisted me in the enforcement of the pharmacy laws throughout the Commonwealth.

To the Board I still testify that your duty has been well performed as faithful public servants.

Respectfully submitted,

SIMON B. HARRIS,

*Agent.*

## LAWS RELATING TO PHARMACY.

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[CHAPTER 397, ACTS OF 1896.]

### AN ACT TO REGULATE THE PRACTICE OF PHARMACY.

*Be it enacted, etc., as follows :*

SECTION 1. The board of registration in pharmacy shall consist of five persons. The present members thereof shall continue to hold their offices during the terms for which they were appointed. The appointment to fill vacancies occurring from expiration of terms of office shall be for five years from the first day of October in each year. The appointments to said board shall be made by the governor with the advice and consent of the council, and only skilled pharmacists, resident in the Commonwealth, who have had ten consecutive years of practical experience in the compounding and dispensing of physicians' prescriptions shall be eligible, and not more than one member of said board shall be interested in the sale of drugs, medicines and chemicals and the compounding and dispensing of physicians' prescriptions in the same city or town. Any member of said board may be removed from office for cause by the governor with the advice and consent of the council.

SECTION 2. The members of said board shall meet on the first Tuesday of October in each year at such time and place as they may determine, and shall immediately proceed to organize by electing a president and secretary, who shall be members of the board, and who shall hold their respective offices for the term of one year. The secretary shall give to the treasurer and receiver general of the Commonwealth a bond with sufficient sureties, to be approved by the governor and council, for the faithful discharge of the duties of his office. The said board shall hold three regular meetings in each year, one on the first Tuesday of January, one on the first Tuesday of May and one on the first Tuesday of October, and such additional meetings at such times and places as they shall determine.

SECTION 3. The compensation, incidental and travelling expenses of the board shall be paid from the treasury of the Commonwealth. The compensation of the members of the board shall be five dollars each for every day actually spent in the discharge of their duties and



the amount actually paid by them for necessary travelling expenses in attending the meetings of the board, but in no case exceeding three cents per mile each way. The bills for such compensation and their incidental and travelling expenses shall be approved by the board and sent to the auditor of the Commonwealth, who shall certify to the governor and council the amounts due as in case of other bills and accounts approved by him under the provisions of law. So much of the receipts from examinations as may be necessary for the compensation and expenses of the board, as aforesaid, is hereby appropriated, in addition to any amount authorized by the legislature for the purposes of this act.

SECTION 4. The board shall keep a record of the names of all persons examined and registered hereunder, and a record of all moneys received and disbursed by said board, a duplicate of which records shall always be open to inspection in the office of the secretary of the Commonwealth. Said board shall make to the governor on or before the first day of January in each year a report stating the condition of pharmacy in the state, with a full and complete record of all its official acts during the year, and the receipts and disbursements of the board.

#### REGISTRATION OF PHARMACISTS.

SECTION 5. Any person desiring to do business as a pharmacist shall upon payment of a fee of five dollars be entitled to examination, and if found qualified shall be registered as a pharmacist, and shall receive a certificate signed by the president and secretary of said board. Any person may be re-examined at any regular meeting of the board, upon the payment of a fee of three dollars. All fees received by the board under this act shall be paid by the secretary of the board into the treasury of the Commonwealth.

SECTION 6. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

SECTION 7. Said board shall hear all applications by registered pharmacists for the granting of sixth class licenses, whenever such hearing is required by the applicant, and all complaints made to them against any person registered as a pharmacist, charging him with suffering or permitting the use of his name or his certificate of registration by others in the conduct of the business of pharmacy when he himself is not the owner and actively engaged in such business; engaging in, aiding or abetting the violation or, in his business as a pharmacist, violating any of the laws of the Commonwealth now under the supervision of the board of registration in pharmacy, and especially the laws relating to the sale of intoxicating liquor. Such complaint



shall be under oath, shall set out the offence alleged, and shall be made within fifteen days of the date of the act complained of.

SECTION 8. Said board shall notify the person complained against of the charge made against him and of the time and place when and where the matter will be heard by them. He may then and there appear before the board with his witnesses and be heard by counsel. Any three of the members of the board shall be a quorum for such hearing. Either member of the board may administer oaths to the witnesses at such hearing, and any person so sworn who wilfully swears or affirms falsely respecting any matter upon which his testimony is required shall be deemed guilty of perjury. Said board shall have the power to send for persons and compel the attendance of witnesses at said hearings, by process duly served.

SECTION 9. If the full board sitting at such hearing shall find that the person complained against is guilty of the acts charged against him said board may suspend his registration as a pharmacist and his certificate thereof, for such term as the board in their judgment, after due consideration of the facts, may deem for the best interest of the public, or may revoke it altogether, but the license or certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after conviction by a court of competent jurisdiction.

SECTION 10. No license for the sale of spirituous or intoxicating liquors, except of the sixth class, shall be granted to retail druggists or apothecaries. One or more such licenses shall be granted annually by the board of license commissioners of cities, the board of police of the city of Boston, or the selectmen of towns, to retail druggists or apothecaries, if it shall appear that the applicant is a fit person to receive such license, is not disqualified to receive the same under section sixteen of this act, and is a registered pharmacist actively engaged in business on his own account, and if he shall also present to the licensing board a certificate of fitness as provided in section eleven of this act. Retail druggists and apothecaries shall not be subject to the second clause of section nine of chapter one hundred of the Public Statutes when the sale is made, as hereinafter provided, upon the prescription of a physician.

SECTION 11. The state board of registration in pharmacy may issue to applicants for licenses of the sixth class to sell intoxicating liquor a certificate, which shall not be valid after the expiration of one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting of said license. Any registered pharmacist against whom no complaints have been made to said board may be considered a proper person to receive such

certificate. Such complaints shall be in writing, specifying the reason, if any, why a certificate should be withheld. For each certificate so granted by the board of registration in pharmacy said board shall be entitled to receive a fee not exceeding one dollar, to be paid by the applicant.

SECTION 12. Any license for the sale of intoxicating liquor, of the sixth class, shall become null and void, without any process or decree, whenever the registered pharmacist to whom it has been granted shall cease to conduct his business in person and on his own account, or upon the revocation of his registration as such pharmacist and of his certificate thereof, excepting cases where the registered pharmacist has died or become incapacitated, and his business is continued by his widow, executor or administrator, under a registered pharmacist.

SECTION 13. Sales of intoxicating liquor of any kind by retail druggists and apothecaries, for medicinal, mechanical or chemical purposes, shall be made only upon the certificate of the purchaser, which certificate shall state the use for which the same is wanted, and shall be immediately cancelled at the time of such sale in such manner as to show the date of cancellation.

SECTION 14. A book shall be kept by every retail druggist and apothecary in which he shall enter at the time of every such sale the date thereof, the name of the purchaser, who shall also sign his name in said book as part of said entry, the kind, quantity and price of said liquor, the purpose for which it was sold, and the residence by street and number, if there be such, of said purchaser. If such sale is also made upon the prescription of a physician the book shall also contain the name of the physician and state the use for which said liquor is prescribed and the quantity to be used for such purpose, and shall be cancelled in the manner before provided with reference to certificates. Said book shall be in form substantially as follows : —

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.	Signature of Purchaser.
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SECTION 15. The book, certificates and prescriptions before provided for or referred to, shall at all times be open in the city of Boston to the inspection of the board of police, and in all the cities and towns of the Commonwealth to the inspection of the mayor and aldermen, board of license commissioners, selectmen, overseers of the poor, sheriff, constables, police officers, and justices of the peace.

SECTION 16. Any person making or issuing a false or fraudulent certificate or prescription referred to in sections thirteen or

fourteen of this act may be prosecuted therefor, and upon conviction may be fined ten dollars. Any retail druggist or apothecary violating any of the provisions of sections thirteen, fourteen and fifteen of this act shall, upon conviction thereof, be punished by fine of not less than fifty nor more than five hundred dollars, or imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment. He shall in addition to said penalties forfeit his license and be disqualified to hold a license for the period of one year after his conviction, and if the licensee is the owner of the premises no license shall be exercised on the premises described in the forfeited license during the residue of the term thereof.

SECTION 17. Any person not being a registered pharmacist who shall procure a sixth class license for the sale of intoxicating liquors, in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and who, being himself the owner or manager of the place, shall by himself or his servants sell intoxicating liquor, shall upon conviction thereof be fined not less than fifty dollars nor more than five hundred dollars, and imprisoned in the house of correction for a term of not less than one month nor more than six months, and the provisions of section eight of chapter two hundred and fifteen of the Public Statutes shall not apply to such sentence.

SECTION 18. Whoever not being registered as aforesaid shall, by himself or his agent or servant, unless such agent or servant is so registered, retail, compound for sale or dispense for medicinal purposes, or shall keep or expose for sale, drugs, medicines, chemicals or poisons, except as provided in section twenty-three of this act, shall be punished by a fine not exceeding fifty dollars. But nothing in this act shall be construed to prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist.

SECTION 19. Whoever fraudulently adulterates, for the purpose of sale, any drug or medicine, or sells any fraudulently adulterated drug or medicine, knowing the same to be adulterated, shall be punished by imprisonment in a jail not exceeding one year, or by fine not exceeding four hundred dollars; and such adulterated drugs and medicines shall be forfeited, and destroyed under the direction of the court.

SECTION 20. [*Amended.*]



## GENERAL PROVISIONS.

SECTION 21. It shall be the duty of the board of registration in pharmacy to investigate all complaints of disregard, non-compliance with, or violation of, the provisions of this act, and to bring all such cases to the notice of the proper prosecuting officers, and especially to prosecute all persons violating section seventeen of this act.

SECTION 22. In order properly to carry out the provisions of this act the board of registration in pharmacy may expend annually a sum not exceeding two thousand dollars, and an itemized statement of all expenses incurred shall be filed with the auditor of the Commonwealth, who, after they have been properly approved, shall allow them in the same manner as other claims against the Commonwealth.

SECTION 23. This act shall not apply to physicians putting up their own prescriptions or dispensing medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others; nor shall any member of a copartnership, other than a registered pharmacist, be liable to the penalties hereof: *provided*, that such non-registered member shall not retail, compound for sale or dispense for medicinal purposes, drugs, medicines, chemicals or poisons, except under the personal supervision of a registered pharmacist.

SECTION 24. Sections five and six of chapter two hundred and eight of the Public Statutes, chapter three hundred and thirteen of the acts of the year eighteen hundred and eighty-five, chapters two hundred and sixty-seven and four hundred and thirty-one of the acts of the year eighteen hundred and eighty-seven, chapter two hundred and nine of the acts of the year eighteen hundred and eighty-eight, chapters two hundred and twenty-seven and four hundred and seventy-two of the acts of the year eighteen hundred and ninety-three, and chapter four hundred and thirty-five of the acts of the year eighteen hundred and ninety-four, are hereby repealed. [*Approved May 15, 1896.*]

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[CHAPTER 192, ACTS OF 1898.]

## AN ACT RELATIVE TO THE SALE OF POISONS.

*Be it enacted, etc., as follows:*

SECTION 1. Section twenty of chapter three hundred and ninety-seven of the acts of the year eighteen hundred and ninety-six is hereby amended by striking out the whole of said section and insert-

ing in place thereof the following:—*Section 20.* Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral, hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green Parson's vermin exterminator, phosphorus, prussic acid, "rough on rats", strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, or carbolic acid, without the written prescription of a physician, shall keep a record of such sale, the name and quantity of the article sold, and the name and residence of the person or persons to whom it was delivered, which record shall be made before the article is delivered, and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except on the prescription of a physician. Whoever neglects to keep or refuses to show to said officers such record shall be punished by fine not exceeding fifty dollars. Whoever sells any of the poisonous articles named in this section without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper, upon which shall be printed in large black letters the word, Poison, and also the word, Antidote, and the name and place of business of the vendor. The name of an antidote, if there be any, for the poison sold, shall also be upon the label. Every neglect to affix such label to such poisonous article before the delivery thereof to the purchaser shall be punished by fine not exceeding fifty dollars. Whoever purchases poisons as aforesaid and gives a false or fictitious name to the vendor shall be punished by fine not exceeding fifty dollars. But nothing in this act shall be construed to apply to wholesale dealers and to manufacturing chemists in their sales to the retail trade, nor to the general merchant, who may sell in unbroken packages containing not less than one quarter of a pound, Paris green, London purple, or other arsenical poisons for the sole purpose of destroying potato bugs or other insect life upon plants, vines or trees: *provided*, that such merchant complies with the provisions of this section in respect to recording such sale and labelling each package sold.

SECTION 2. This act shall take effect upon its passage. [*Approved March 17, 1898.*]